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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/967,095      | 09/28/2001  | Mark E. Nagel        | 705581US1           | 6696             |

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EXAMINER

LANEAU, RONALD

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3627

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/967,095

Applicant(s)

NAGEL ET AL.

Examiner

Ronald Laneau

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>092801</u> . | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3627

### DETAILED ACTION

1. Claims 1-17 are presented for examination.

#### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-6 and 9-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Barnes et al (US 5,970,475).

As per claims 1-4, 12-14, Barnes et al teach a method of procuring goods and services through a system accessible by a plurality of entities having a common relationship (see abstract, lines 1-5), comprising the steps of: arranging with a plurality of suppliers to participate in offering goods and services to the entities through the computer based system (col. 3, lines 48-55); negotiating with at least a subset of said suppliers a price for their respective goods and services at which said entities can purchase those goods and services via the computer based system (col. 4, lines 12-18); allowing said entities to place orders with any of the suppliers of the subset of suppliers for the supplier's respective goods and services through the computer based system at the negotiated price (col. 8, lines 49-55); and allowing said entities the option of obtaining via the computer based system a price quote from at least one of said suppliers for a

Art Unit: 3627

good or service offered by that supplier and purchasing the good or service at the quoted price via the computer based system (col. 8, lines 36-38).

As per claims 5, 6 and 9-11, Barnes et al teach a method the steps providing links on said computer based system to computer based systems of said suppliers having information about said suppliers' goods and services and allowing said entities to access said suppliers' computer based systems via said links on said computer based system to view said information about said suppliers goods and services (col. 7, lines 60-62).

As per claim 12, Barnes et al teach a method wherein information concerning purchases made by and quotes obtained by said entities via said computer based system are stored in a database (col. 8, lines 36-38).

As per claims 13 and 14, Barnes et al teach a method including the steps of a host organization (Bank) paying said suppliers for purchases made from said suppliers via said computer based system by said entities and said host organization (Bank) billing said entities for said purchases, further including the step of said host organization operating said computer based system (col. 3, lines 39-43).

As per claims 15 and 16, Barnes et al teach a purchasing system for procuring goods/services by a plurality of entities having a common predetermined relationship (see abstract, lines 1-5), said purchasing system comprising: a database in which information concerning prices at which said entities can purchase said goods/services from suppliers of said goods/services (col. 4, lines 12-16); links to computer-implemented sites of said suppliers where said suppliers offer their respective goods/services for sale and transactions are entered into between said suppliers and said entities, said links providing said entities access to said

Art Unit: 3627

computer-implemented sites of said suppliers (col. 7, lines 60-62); a display for displaying information about said goods/services and said suppliers (col. 4, lines 8-10), and routing said entities to the suppliers' computer-implemented sites via said links (col. 7, lines 60-62); said purchasing implemented sites via a network; and, a computer-implemented transaction recorder that records transactions entered into between a selling supplier from said plurality of suppliers and a buying entity from said entities having a common predetermined system coupled to said suppliers' computer- relationship (see abstract, lines 14-19, col. 10, lines 22-26).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7, 8, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banes et al (US 5,970,475).

As per claims 7 and 8, Barnes et al do not teach a method wherein a plurality of entities having a common relationship comprise a franchise and individuals that are members of a club but the examiner takes the Official notice that since the authorized user is part of an organization making purchase for said organization through electronic commerce it is imperative that the authorized user is a member of said organization which may in turn be a franchise as claimed.

As per claim 17, Barnes et al do not expressly teach a purchasing system that includes means for analyzing transactions to determine if any involve purchases at prices more

Art Unit: 3627

advantageous than the price for said good/services stored in said database but it would allow a buyer (authorized user) to get the best price every time when making a purchase through the system. The examiner takes the Official notice as such.

### *Conclusion*

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Khan (US 2001/0056395) teaches an electronic bargaining system that enables buyers to bargain with the system in order to negotiate an optimum bargain price.
- Kitchen et al (US 2002/0138400) teach buying and selling goods and service using automated method and apparatus.
- Singh (US 2001/0047311) teaches a method for communicating, collaborating, and transacting commerce via a communication network.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ronald Laneau  
Examiner  
Art Unit 3627

*Ronald Laneau 8/6/04*  
*Primary Examiner*

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